

REMARKS/ARGUMENTS

Claims 1 - 23 are pending in the application.

A new drawing page in which Fig. 7 has been amended is being submitted herewith. In particular, Fig. 7 now shows the subject matter described in claims 19 and 20, two damping chambers separated from one another by a dividing wall or partition 38 (shown in dashed lines in Fig. 7), as well as a catalytic converter 39 provided in the partition 38. Page 10 of the specification has also been correspondingly amended.

The objections to the specification and claims have been addressed by appropriate amendments.

Claim 1 has been amended to indicate that there is essentially no flow of fluid from said resonance pipe into said resonator chamber. Support for this feature can be found on page 1, lines 22 and 23, of the specification of the present application.

CLAIM REJECTIONS 35 U.S.C. §§ 102, 103

The Examiner has rejected, among others, claim 1 as being anticipated by Trudell.

The exhaust muffler of Applicant's claim 1 has a damping chamber 5, a resonator chamber 6, and a resonance pipe 7. In this connection, muffling is achieved not only by the resonance pipe 7 but also by the resonator chamber 6. Due to the fact that not only a resonance pipe but also a resonator chamber are provided, a particularly effective muffling is achieved. Although an acoustic link is provided between the resonance pipe 7 and the resonator chamber 6, there is essentially no flow of fluid from the resonance pipe into the resonator chamber. The exhaust gases flow out of the damping chamber 5, through the resonance pipe 7,

and into the outlet 4. The combination of a resonance pipe with a resonator chamber permits a good muffling while maintaining a compact construction, so that the exhaust muffler defined in Applicant's claim 1 is suitable for an internal combustion engine in a manually-guided, portable implement.

Trudell, on the other hand, discloses an exhaust muffler for a motor vehicle. The exhaust muffler of Trudell is tubular and elongated. Since manually-guided, portable implements have a compact construction, the exhaust muffler of Trudell is not suitable for such an implement. In particular, the exhaust muffler of Trudell is provided with two expansion chambers. The exit tube 22 extends through the second expansion chamber into the first expansion chamber. In the region of the second expansion chamber, the exit tube 22 is provided with perforations 36. As indicated in column 4, lines 7 – 11, the exhaust gases flow out of the exit tube, via the perforations, into the second expansion chamber and back into the exit tube. Consequently, a distinct flow of fluid exists between the exit tube and the resonator chamber. There is no acoustic link, having no flow of fluid, between a resonance pipe and a resonance chamber, as required by Applicant's claim 1. Furthermore, the exit tube of Trudell is not a resonance pipe. Trudell merely provides a coordination of a length of the exit tube to the overall length of the housing of the exhaust muffler. This is intended to eliminate undesirable resonances (see column 2, lines 57 – 68). This is actually the opposite of Applicant's exhaust muffler, where an "exit tube" is embodied as a resonance pipe with which resonances that lead to a muffling are desired.

In summary, Trudell discloses neither a resonance pipe nor an acoustic link between a resonance pipe and a resonator chamber, wherein there is essentially no

flow of fluid from the resonance pipe into the resonator chamber, all as required by Applicant's amended claim 1. Thus, it is respectfully submitted that Trudell can neither teach nor suggest Applicant's claim 1 since it does not meet the requirements of either MPEP section 2131 or MPEP section 2143.03, namely that a reference must teach every element of a claim in order to anticipate or suggest such a claim.

In view of the foregoing discussion, Applicant respectfully requests reconsideration of the allowability of the pending claims 1 – 23. In addition, should the Examiner have any further comments or suggestions, the undersigned would welcome a telephone call from him in order to discuss any outstanding issues and to expedite placement of the application into condition for allowance.

Respectfully submitted,



Robert W. Becker, Reg. 26,255
Attorney for Applicant(s)

ROBERT W. BECKER & ASSOCIATES
707 Highway 66 East, Suite B
Tijeras, New Mexico 87059

Telephone: 505 286 3511
Telefax: 505 286 3524

RWB:mac

Attachments

Amendments to the Drawings:

Formal drawings are submitted herewith (Figs. 1 – 11). Fig. 7 has been amended after initial preparation of the formal drawings. Fig. 7 on page 2 of the formal drawings is withdrawn and a new Fig. 7 is included herewith. Fig. 6 on page 2 of the formal drawings remains unchanged.

Attachment: Formal Drawings, Figs. 1 – 11
 New formal drawing, Fig. 7 on page with Fig. 6
 Annotated Fig. 7

